

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
Baltimore County, Maryland

In the Matter of

Civil Citation No. 52803

George Kotrosa III  
3012 Cedarcrest Avenue  
Baltimore, MD 21219

7433 Bayfront Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Code Enforcement Hearing Officer for the Department of Permits and Development Management on July 28, 2009 for a Hearing on a citation for violations under the Baltimore County Code (BCC) investment property section 35-2-404 (a)(1)(vi), failure to install all proper siding and waterproofing to walls, failure to install proper roofing and waterproofing on residential property known as 7433 Bayfront Road, 21219.

On July 1, 2009, pursuant to Baltimore County Code §3-6-205, Inspector Gary Hucik issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$15,200.00 (fifteen thousand two hundred dollars).

The following persons appeared for the Hearing and testified: George Kotrosa Jr. and George Kotrosa III and, Gary Hucik, Baltimore County Building Inspections Inspector.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. A Correction Notice was issued on October 24, 2008 for Respondent to obtain a building permit for new house under construction, because the permit had expired; and to install approved weather barrier to the outside of the structure. A second Correction Notice was issued on January 14, 2009. A Citation was issued on January 27, 2009 for failure to install proper waterproofing to walls and roof. A Hearing was held on March 3, 2009, and additional time was extended to Respondent to bring the property into code compliance. This Citation was issued on July 1, 2009.

B. Photographs in the file show a partially constructed new house, with walls and window openings but no roof and no exterior siding installed. Respondent has been trying to do all the construction himself but has been unable to make significant progress. Respondent and his father, George Kotrosa, Jr., testified that Respondent has now engaged professional contractors to complete the construction work. A small roof has been put on the building. Bricklayers are under contract to put brick siding, and the bricks have been delivered to the site. The trusses for a new roof have been purchased and will be delivered this week. Estimates for the new roof are in hand and a contractor will be under contract soon. On July 27, 2009 the drain tile installation was inspected and approved.

C. This construction project was essentially abandoned for many months with the structure incomplete and not protected from the weather. Strict compliance with inspection requirements will be important to ensure that the structure is sound and safe. The Kotrosas testified that they will have the exterior of the house finished by the end of August. Because compliance is the goal of code enforcement, the civil penalty will be rescinded if the timeline provided below is met.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$5,000.00 (five thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be RESCINDED and reduced to zero dollars if the installation of weatherproof roofing and siding is completed by September 14, 2009. If the Respondent fails to correct the violations, the civil penalty shall be imposed.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 10<sup>th</sup> day of August 2009.

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer

**NOTICE TO RESPONDENT:** The Respondent is advised that (1) pursuant to §3-6-206(g)(2) of the Baltimore County Code, the Respondent may make written application to the Director of the Department of Permits & Development Management within 10 days to modify or amend this order and (2) pursuant to §3-6-301(a), Baltimore County Code, the Respondent may appeal this order to the Baltimore County Board of Appeals within fifteen (15) days from the date of this order; any such appeal requires the filing of a petition setting forth the grounds for appeal, payment of a filing fee of \$150 and the posting of security to satisfy the penalty assessed.